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RECEPTION OF THE DECLARATIONS OF THE THIRD BASKET OF THE HELSINKI FINAL ACT IN THE CONTEXT OF INTERNATIONAL COOPERATION BETWEEN POLAND AND KAZAKHSTAN (1992–2022)

HELSINKI FINAL ACT AND THE DECLARATIONS FOR THE PROTECTION OF HUMAN RIGHTS

The concept of establishing a European collective security mechanism, initiated as early as 1964, resulted in a compromise between the Western countries, led by the United States and Canada, and the Eastern bloc, led by the Soviet Union. The successive rounds of Helsinki consultations, which took place from 1972 to 1975, culminated in an agreement that, although symbolic and declaratory, aimed to establish a new order in the post-World War II era. The “Blue Book” was developed during this period and consisted of 96 detailed recommendations, addressed various aspects of the proposed security conference, and outlined principles of conduct (*Final Recommendations of the Helsinki Consultations*, 1983). This document formed the basis of the Great Charter for Peace, known as the Final Act of the Helsinki Conference on Security and Cooperation in Europe or the Helsinki Decalogue (Jach, 2017: 163).

The crowning document of the Helsinki process, the Final Act of the Conference on Security and Cooperation in Europe (CSCE), contained a series of declarations aimed at preventing future confrontations between the two opposing political, economic, and military systems: EEC-Comecon, NATO – Warsaw Pact. This document provided an opportunity not only to recognize the borders of individual states officially but also, especially from the perspective of the Soviet Union, to gain international acceptance for the division of spheres of influence. A major Western concern

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was the Soviet doctrine of “spreading people’s democracy,” which entailed increasing the number of states dependent on Moscow through Sovietization at the systemic, economic and cultural levels. To counter this, NATO initiated a new strategy that combined Harmel’s stabilization of world peace and the growth of mutual trust (Rydel, 2003: 121–122) with De Gaulle’s concept of *la détente, l’entente et la coopération* with Eastern Europe (Rotfeld, 1983: 53; Kissinger, 2009: 807). Under these circumstances, representatives from 35 countries succeeded in signing the CSCE Final Act on August 1, 1975, in Helsinki, the capital of neutral Finland. The principles of the Final Act were grouped into four baskets: security in Europe (basket I); cooperation in economic, scientific, and technical fields and the environment (basket II); cooperation in humanitarian and related fields (basket III); and the continuation of the Conference process (basket IV) (*Final Act of the Conference on Security and Cooperation in Europe*, 1983).

Although all the principles outlined in the content of the first basket were approved by the signatories of the Final Act, this approval did not come without significant challenges. The bone of contention, which delayed the adoption as binding solutions for the CSCE, was Chapter VII of the Decalogue, “Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.” Cooperation in humanitarian and related fields, with their foundational principles, underpinned the transformation process that began immediately after ratification by the individual governments of the signatory states. “The strength of the impact of the Helsinki Declaration can be evidenced by the fact that its provisions have survived all crises in relations between East and West. It can be said indisputably that by launching efforts to defend human rights and upholding their fulfillment by the signatory states, including those of the Warsaw Pact, the Final Act of the CSCE became not only the impetus for the institutionalization of human rights organizations but also set in motion the process of the destruction of communist regimes. The 1989 Autumn of Nations turned out to be a testimony to the transformations taking place in this part of Europe” (Jach, 2017: 173).

The declarations in the third basket on cooperation in humanitarian and related fields regulated cooperation in four key areas: people-to-people contacts, information, cultural cooperation and exchange, and educational cooperation and exchange (Helsinki Final Act). In practice, these declarations significantly influenced the system of human rights protection. Notably, the foundation for constructing the international human rights system has been built upon international human rights protection sources, summarized in Table 1. These international documents upholding human rights include those of a universal, regional, and specialized nature. Documents of a universal nature, ratified by the Republic of Poland and the Republic of Kazakhstan, are complemented by regional acts, which became effective following the conclusion of relevant international pacts, conventions, declarations, agreements, and contracts establishing mutual cooperation in the protection of human rights. The final group of international human rights protection acts pertains to specialized UN institutions, such as the Freedom of Association and Protection of the Right to Organise Convention.

Table 1

International sources of human rights protection

Universal sources			
Name of document	Year of coming into force	Year of ratification in Poland	Year of ratification in Kazakhstan
United Nations Charter	1945	1945	1992
Universal Declaration of Human Rights	1948	1977	2006
International covenant on economic, social and cultural rights	1966	1977	2006
International Convention on the Elimination of All Forms of Racial Discrimination	1966	1968	1998 (accession)
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	1989	1998 (accession)
Convention on the Elimination of All Forms of Discrimination against Women	1979	1980	1998 (accession)
International Covenant on Civil and Political Rights	1966	1977	2006
Convention on the Rights of the Child	1989	1991	1994

Source: Own work based on documents recalled in the table.

COOPERATION BETWEEN POLAND AND KAZAKHSTAN ON HUMAN RIGHTS PROTECTION

Diplomatic relations between the Republic of Poland and the Republic of Kazakhstan were established by a bilateral agreement concluded on April 6, 1992. Political, economic, cultural, and scientific cooperation is developing rapidly, as evidenced by agreements both at the level of bilateral international agreements (22) and inter-ministerial international agreements (5) (*Baza prawno-traktatowa*, n.d.), as well as the dynamics of meetings at the level of decision-makers of the two countries (*Stosunki dwustronne Kazachstan – Polska* [in Polish]). From the point of view of the research on the reception of the declarations of the third basket of the Helsinki Final Act, the following agreements remain crucial:

- A. The so-called Prague Convention of 1972 (defunct since 2004),
- B. The agreement between the Government of the People's Republic of Poland and the Government of the Union of Soviet Socialist Republics on the equivalence of documents on education, degrees, and academic titles issued in the People's Republic of Poland and the USSR, signed in Warsaw in 1974 (defunct since 2004),
- C. Declaration on the development of friendly relations and cooperation between the Republic of Poland and the Republic of Kazakhstan of 1997 (in force since signing),
- D. Consular convention between the Republic of Poland and the Republic of Kazakhstan of 1997 (in force since 2006),
- E. Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on air transport of 1997 (in force since 2006),
- F. Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on cultural and scientific cooperation of 1997 (in force since 1999, defunct since 2009),

- G. Agreement on cooperation between the archives and the Document Management Committee of the Ministry of Culture, Information and Public Agreement of the Republic of Kazakhstan and the Director General of the State Archives of the Republic of Poland of 2002 (in force since signing),
- H. Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on cooperation in tourism of 2007 (in force),
- I. Agreement between the Government of the Republic of Poland and the Government of the Republic of Kazakhstan on Cooperation in Education of 2014 (entered into force in 2016) (*Baza prawno-traktatowa*, n.d.).

The cooperation between Poland and Kazakhstan has been complemented and strengthened by the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States of the one part and the Republic of Kazakhstan of the other part of 2015 (*Umowa o wzmocnionym partnerstwie i współpracy...*, 2020), which covers a number of issues directly related to bilateral relations between Warsaw and Astana and testifies to the dialogue with EU countries. The Agreement contains not only references to international sources of universal and regional law, which are the foundation of EU legislation and which Kazakhstan recognizes. The normative acts of regional scope that Kazakhstan has begun to recognize include:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- the European Social Charter,
- the Charter of Paris for a New Europe,
- the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.

They regulate cooperation in foreign policy, security, trade and economic activities, economic development and sustainable development, as well as cooperation in the fields of freedom, security, justice and other policies covered by the Enhanced Partnership and Cooperation Agreement.

PRACTICAL DIMENSION OF THE IMPLEMENTATION OF THE DECLARATIONS OF THE THIRD BASKET OF THE HELSINKI FINAL ACT BY POLAND AND KAZAKHSTAN

The areas of cooperation defined in the third basket overlap to such an extent that discussing one inherently involves addressing the others. Poland is a key partner for Kazakhstan in many respects and the presence of a significant Polish minority in this Central Asian country results in a privileged mode of engagement.

This analysis should open with an examination of Polish-Kazakh relations, which began to take shape during the period of Tsarist Russia in the 18th century. The historical presence of Poles in Kazakhstan continues to influence the cooperation between Poland and Kazakhstan today. Therefore, the starting point will be issues included in the third basket, such as repatriation and family ties. This issue is particularly important for the Polish authorities because the presence of Poles in Kazakhstan was not a result of voluntary resettlement but rather deportations carried out by Russian state

authorities beginning in the 18th century. The largest mass deportations occurred in the 20th century and continued until the mid-1950s (Rykovskaya, 2021: 319–327). According to available data, there are currently around 20,000 to 35,000 Poles living in Kazakhstan (Kabuldinov, 2023: 15; *Nacional'nyj sostav...*, 2023; *W służbie Rzeczypospolitej Polskiej...*, 2023: 9). The policy of the Polish state aimed at the return of Poles from Kazakhstan to their ancestral homeland acquired a legal basis in 2000. The Repatriation Act, passed at that time, was designed to clarify the procedures for the return of Poles from these areas of the former Soviet Union (Ustawa z dnia 9 listopada 2000 r. o repatriacji).

Under the binding legislation, 2,932 people were subject to repatriation between 2002 and 2011, and in the subsequent period from 2017 to 2020, the number of repatriates was 2,792 (Rykovskaya, 2021: 334–335). Legislative efforts by the Polish government encountered no obstacles from Astana and were met with understanding. The introduction of measures such as the establishment of the Repatriation Council (*Rada do spraw Repatriacji* [in Polish]) and the Pole's Card (*Karta Polaka* [in Polish]) significantly facilitated the repatriation process and improved the living conditions of those returning to Poland (Rykovskaya, 2021). Kazakhstan's support for these policies strengthened the mutual relations between Kazakhs and Poles. This rapprochement created opportunities for deported Poles to return to their ancestral homeland and offered hope for discovering information about the fate of Kazakhs who did not return home due to the turmoil of World War II. For the Kazakh people and the state, the issue of family ties is crucial for preserving memory and serves as an important nation-building factor in the ongoing process of the Kazakh nation's sovereigntization.

Alongside the family reunification policy initiated primarily by the Polish government, there is a strategy aimed at supporting cultural and educational activities carried out by Polish organizations in Kazakhstan. It is worth noting that, despite human rights violations and the questionability of the democratic nature of some institutions in Kazakhstan, the country respects the rights of national minorities, and the Kazakh authorities cannot be faulted in this regard (Waśkiel, 2016: 222).

While earlier reports on the situation of Poles abroad noted problems with the spread of Polish education (Ministerstwo Spraw Zagranicznych RP, 2013), such issues are no longer observed today. The Kazakh authorities are endeavoring to create favorable conditions for preserving the culture and language of the Polish minority in Kazakhstan (Berski, 2012: 90). The first Polish ethnocultural centres began to appear on the map of independent Kazakhstan as early as the 1990s. From the perspective of the development of Kazakh-Polish relations, the following ethnocultural centers are currently operating in Kazakhstan:

- Polish Association *Więź*,
- Ethno-association *Polonez* in the Jambyl Region, operating for about 20 years,
- Social Association *Polacy* in Astana.

The oldest association of Poles in Kazakhstan is the Union of Poles of Kazakhstan (*Związek Polaków Kazachstanu ZPK* [in Polish]), registered in 1992 and formed from branches established in 1989 in Kokchetav, Karaganda and Almaty. Since June 15, 2019, the association has been headed by Ekaterina (Katarzyna) Viktorovna Ostrovskaya (Kabuldinov, 2023: 14) and currently comprises 12 Polish community organiza-

tions (Berski, 2012). It is also the largest nationwide organization of this kind in Kazakhstan, with its primary function being to assist in the repatriation of Poles (Berski, 2012: 91). A major shortcoming in the functioning of the ZPK is its limited publicity in the Kazakh media, although it is the only organization with the authority to issue reports on Polish culture, language and diaspora (Berski, 2012: 91). In addition to the ZPK, other organizations in Kazakhstan include the Association of Poles *Polonia* in Astana, the Association and Youth Cultural Center in Kokchetav (Waśkiel, 2016: 222), and the Social Association *Jedność Polska* in the capital, which houses the only Polish public library in Kazakhstan, and the Adolf Januszkiewicz Polish Language Cabinet (*Soyuz Polyakov Kazakhstan*, 2023). The responsibility for promoting Polish education in Kazakhstan lies with the Government Plenipotentiary for Polonia and Poles Abroad, tasked with the strategic goals of Polish policy: 1) strengthening national identity and passing on the Polish language, culture, and knowledge of Polish history and traditions to the next generation; 2) activating Polish communities and strengthening their structures; 3) involving the Polish community in building a positive image of Poland, enhancing its prestige and strengthening Poland's contacts with countries of residence (*W służbie Rzeczypospolitej Polskiej...*, 2023).

An interesting initiative from the Kazakh side is the interactive historical map "The Nation of Kazakhstan" developed in 2017 by the order of the President of the Republic of Kazakhstan (*Nauchnaya istoricheskaya...*, 2023). This map illustrates the consolidation process of all ethnic groups living in Kazakhstan, emphasizing "the eternal land of Kazakhstan, with the state-forming mission of the Kazakh nation." The project is a collaborative effort by the Institute of History and Ethnology, the Institute of Information and Computer Technology, and the Institute of Geography. Consistent with Kazakhstan's overall policy of preserving the stability and unity of the Kazakh nation, the map also aligns with ongoing research on the Polish diaspora in Kazakhstan (Kauldinov, 2023: 14).

Under one of the key agreements concerning cooperation and exchange in education, numerous initiatives have been organized to promote Polish culture and science. The effects of this agreement were the establishment of numerous Kazakh cultural centers on the territory of the Republic of Poland, joint celebration of holidays, translation of Kazakh literature and its dissemination, translation of Polish literature and its dissemination, organization of scientific and cultural seminars, promotion of Kazakh culture through Polish media, presentation of awards to Kazakh citizens and many others.

This strategy is implemented through several centres in Poland: the Abaya Science Center in Chojnów, the Kazakh Cultural Center "Quazaq Eli" in Bydgoszcz, the Polish-Kazakh Center in Leszno and the Abai Center for Kazakh Culture and Science (*Kul'turno-gumanitarnoe sotrudničestvo*, 2024). These centres were established in collaboration with universities in Kazakhstan (Adamek, 2018; *Centrum kultury kazachskiej już otwarte!*, 2018; *Centrum Kultury i Nauki Kazachskiej...*, 2023; *Centrum naukowe Abaja*, 2019). An interesting example is the Abaya Science Center in Chojnów, which actively collaborates with Sarsen Amanzholov East Kazakhstan University. Its main objectives include bilateral exchanges involving students, faculty, and graduates from both universities; the exchange of scientific materials, publications,

and information; the exchange of cultural activities; organization of joint research and scientific projects; and the development of a dual degree program (*Centrum naukowe Abaja*, 2019).

The effectiveness of cooperation in this area is underscored by official data from the Embassy of Kazakhstan in Poland for the year 2021, indicating that 1,000 students from Kazakhstan studied in Poland (*Kul'turno-gumanitarnoe sotrudnichestvo*, 2024). This number continues to rise. The operations of the aforementioned centers and the presence of Kazakhstani students in Poland align with all provisions of Article 1 of the Agreement on Cooperation in Education (*Porozumienie między Rządem Rzeczypospolitej Polskiej a Rządem Republiki Kazachstanu w współpracy w dziedzinie edukacji*, 2014).

Another fact worth highlighting is the collaboration between Polish and Kazakh universities. Agreements have been concluded by, e.g., Jagiellonian University in Krakow, the University of Wroclaw, Warsaw University of Technology, and the AGH University of Science and Technology in Krakow (Wołkow, 2012: 101–105). However, the absolute leader in terms of the number of partnerships signed with Kazakh universities is Adam Mickiewicz University in Poznań, with 16 such agreements (*Kazachstan*, 2024). However, a disproportion as to cooperation and exchange in the area of education can be observed: there are more Polish projects of collaboration with Kazakhstan than Kazakh projects of collaboration with Polish institutions.

Research on relations between Poland and Kazakhstan in the discussed context should also focus on freedom of speech and free media. According to Reporters Without Borders' data for 2023, the situation in this area worsened (*Global Score Index*, 2024); however, no limitations of such freedoms have been recorded with regard to the activity of Polish organizations in Kazakhstan. Polish residents of Kazakhstan can express their opinions in periodicals such as the *Almator* and *Almatyński Kurier Polonijny* (Gizdatov, 2022). The financial involvement of the Chancellery of the Polish Senate in the publication cycle of *Polonica* is also evident. Meanwhile, the Kazakh authorities publish research on the history of Poles in Kazakhstan, which also means discovering fragments of their own history. This involvement of both sides in discovering the dark, even tragic events is a seed of a much deeper understanding of current processes, which facilitates other important dimensions of collaboration.

What also must be mentioned is the significant cooperation between Poland and Kazakhstan on institutional solutions whose tasks fully match the declarations of the third basket of the Helsinki Final Act. Institutions responsible for expanding contacts are, among others, the Honorary Consulates of the Republic of Kazakhstan, whose activities were inaugurated in 2022 in Białystok, Gdańsk, Wrocław, Krakow, and Katowice. According to the founders, they will provide “further impetus to the development and expansion of Kazakh-Polish cooperation in the political, economic, cultural and humanitarian spheres for the benefit of the peoples of our countries. The main efforts will be directed at assisting the citizens of Kazakhstan and ensuring the protection of their rights and interests, as well as developing interaction between the regions of Kazakhstan and Poland” (*W Polsce rozwija się...*, 2022).

Also in 2022, the Polish-Kazakhstan Historical Commission was established with the objective to conduct in-depth studies on the history of the two nations. Its activi-

ties include the exchange of archival materials, publishing and editing, as well as the organization of conferences.

The collaboration so far was complemented in 2024 by the creation of the International Scientific Council Poland-Kazakhstan (*Międzynarodowa Rada Naukowa Polska-Kazachstan*, MRNPK [in Polish]) and the International Scientific Council Kazakhstan-Poland (*Międzynarodowa Rada Naukowa Kazachstan-Polska*, MRNKP [in Polish]). Facing the challenges of the 21st century, the Council will be responsible for the synergy of Polish-Kazakh partner relations in all spheres and areas of cooperation, with the declarations of the third basket of the CSCE Final Act serving as a foundation of its activities.

CONCLUSIONS

It can be concluded that, in the context of international cooperation between Poland and Kazakhstan, the level of collaboration and exchange in the areas of interpersonal contacts, information, culture, and education looks quite good.

The analysis of the perception of protection of the rights of Poles living in Kazakhstan revealed the following positive elements: development of cooperation between research centers in both countries, support for repatriation and family reunification processes, cultural development, and non-interference in the media. This is complemented by activities facilitating the exchange of people, thoughts and ideas. Relevant state agencies and non-governmental organizations look after Poles living in Kazakhstan, including those who declare a desire to return to the homeland of their ancestors. The counterpart departments of the Republic of Kazakhstan also take active care of Kazakhs living in Poland.

The first and decidedly the most prominent aspect of Polish-Kazakh cooperation is the collaboration between universities. We should highlight here the significant number of partnership agreements between the academic institutions from both states, pointing, however, to the fact that the participation of Kazakh universities in these partnerships is disproportionately larger compared to their Polish counterparts. Unfortunately, the issue of academic cooperation has recently encountered significant difficulties, which is a consequence of internal changes taking place on the Polish side. These are related to the discovery of serious legal violations in the context of the functioning of the Polish visa regime. This translates into the politicisation of the issue and tightening and lengthening of visa procedures for: 1) students from Kazakhstan who want to study in Poland, 2) and also scientists who intend to visit Poland to develop scientific and research cooperation.

The second aspect is that the authorities and organizations from both states contribute to promoting the partner's culture and language by creating favorable legal conditions and negligible interference in the activities of their respective media. Cooperation between the two countries seems to be unequivocally positive despite numerous cultural differences and political realities. This situation has been ensured by a number of agreements involving the two countries, such as the 2016 Agreement on Cooperation in Education.

It should be noted that Poland and Kazakhstan actively cooperate in the process of repatriation and family reunification. Both countries have created favorable legal conditions for these activities on the basis of such documents as the Repatriation Agreement of 2000. This is because the policies discussed in the text, which are implemented by the governments of both countries, are primarily an emanation of public will when it comes to resettlement. The issue is particularly important for the Polish authorities but even more so for the resettled/repatriated persons and their families. The Government of the Republic of Poland, obliged to implement the repatriation and family reunification policy, respects the provisions of the Constitution. On the other hand, the Basic Law reflects the solidarity of the Polish nation with Poles remaining outside the country or wishing to return to it.

The last important aspect of cooperation between Kazakhstan and Poland is the lack of media blackout against Polish content in the local press and other media, both traditional and digital. Considering the complicated situation regarding freedom of speech in Kazakhstan, this is a very positive factor.

The arguments cited above allow us to conclude that the process of reception of the provisions of the Third Basket of the Helsinki Final Act of the CSCE actively translates into mutual cooperation between Poland and Kazakhstan, which, despite the challenges, shows a constant upward trend. The result is a rapprochement of state positions, but above all, we can observe mutual understanding and trust, so necessary in the modern world.

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ABSTRACT

In the third decade of the 21st century, the policy orientations of many countries are increasingly shaped by human and civil rights issues. Regardless of geographical location, the reception of civil rights poses significant challenges, including security implications arising from each country's internal sovereignty. This premise applies to two countries under analysis – Poland and Kazakhstan – which have shared a special bond despite their geographical and cultural differences since the 20th century. This bond is evidenced by their deepening economic, political and especially human rights cooperation. This study focuses on the third basket of the CSCE Final Act as a starting point, exploring Polish-Kazakh cooperation in people-to-people contacts, information exchange, cultural cooperation, and education from 1991 to 2022. By analyzing the Helsinki provisions on human rights protection, the narrative illustrates the practical dimensions of interstate cooperation between Poland and Kazakhstan. The authors constructed a matrix of examples of this cooperation, demonstrating both countries' commitment to fostering close relations and trust, which are crucial in confronting the challenges of the modern world.

Keywords: CSCE/OSCE, Helsinki Final Act Basket III, Poland, Kazakhstan, human rights

RECEPCJA DEZYDERATÓW III KOSZYKA AKTU KOŃCOWEGO KBWE W KONTEKŚCIE WSPÓŁPRACY MIĘDZYNARODOWEJ NA LINII POLSKA – KAZACHSTAN (1992-2022)

STRESZCZENIE

W trzeciej dekadzie XXI wieku wektory polityki wielu państw wyznaczają kwestie praw człowieka i obywatela. Bez względu na szerokość geograficzną danych państw, problem recepcji praw obywatelskich stanowi nie lada wyzwanie, także pod względem bezpieczeństwa, wynikającego z suwerenności wewnętrznej każdego z nich. Przesłanka ta odnosi się również do dwu, poddanych analizie recepcji przykładów państw – Polski i Kazachstanu, które, choć odległe od siebie nie tylko pod względem geograficznym, lecz także kulturowym, łączą właśnie od XX wieku więź szczególną. Znajduje to potwierdzenie w rozwijanych i ulegających intensyfikacji wzajemnych stosunkach zarówno na polu współpracy ekonomicznej czy politycznej, ale nade wszystkim w obszarze ochrony praw człowieka. Temu zagadnieniu poświęcone jest

niniejsze studium, przy czym punktem wyjścia są dezyderaty III Koszyka Aktu Końcowego KBWE. Na bazie analizy postanowień helsińskich w obszarze ochrony praw człowieka zbudowana została narracja dotycząca współpracy polsko-kazachskiej na poziomach kontaktów międzyludzkich, informacji, współdziałania w zakresie kultury oraz kształcenia w okresie od 1991 roku do 2022 roku. Ukazanie praktycznego wymiaru międzypaństwowej współpracy na linii Polska–Kazachstan stało się po uprzednim zbudowaniu przez autorów matrycy badanej kooperacji zawierającej liczne jej przykłady. Współpraca ta stanowi przykład zaangażowania obu partnerów w rozwój bliskich relacji i zaufania, tak niezbędnych w dobie wyzwań współczesnego świata.

Słowa kluczowe: KBWE/OBWE, III Koszyk Aktu Końcowego KBWE, Polska, Kazachstan, prawa człowieka